

Application No.: 09/928,836
Office Action dated 08/25/2004
Reply dated 11/26/2004

Docket No.: SOHMEI.NIPPONSHEETGLASS.PT1
Customer No.: 24943

REMARKS

I. PRIORITY

Applicant submits under separate cover filed on November 24, 2004, certified copies of Japanese patent application nos.: 11(99)/352970 filed on December 13, 1999 and 2000/16860 filed on January 26, 2000 in accordance with 35 U.S.C. 119(b). Applicant respectfully requests acceptance of the claim for priority.

II. STATUS OF THE CLAIMS

Claims 1-29 were pending. Claims 1-26 have been examined on the merits. Claims 27-29 were withdrawn for being drawn to a non-elected invention. In the above amendments, Claims 1 and 26 were amended.

Claims 1-3, 6-7 and 14-25 were rejected under 35 U.S.C. § 102(b) ("Section 102(b)") as being anticipated by Japanese Patent Application Publication no. 11-292568 (hereinafter referred to as "JP '568").

Claims 1-10, 12-13, and 23-26 were rejected under 35 U.S.C. § 103(a) ("Section 103(a)") as being unpatentable over International Patent Application Publication no. 01/65612 (hereinafter referred to as "WO '612").

Applicant respectfully traverses all rejections and requests reconsideration.

A. REJECTION UNDER SECTION 102(b), JP '568

Claims 1-3 were rejected under Section 102(b) as being anticipated by JP '568.

JP-11-292568 (hereinafter "JP '568")

JP '568 discloses coating a surface of glass substrate with a film comprising chain silica fine particles, silicon compound, water, an acid catalyst, a dispersion assistant and a solvent. (JP '568 Abstract). The organosilicon compound is

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hydrolyzed in a solvent and chain-like silica particle is distributed in this hydrolyzed solvent. (JP '568, [0028]).

Claim 1 and 26

Independent claim 1 has been amended to recite in part "an... acid catalyst being added before or after the addition of the hydrolyzable metal compound to the starting fine particles, and the coating solution undergoing a condensation reaction between a product of the hydrolysis and a silanol present on said silica fine particles, such that the binder covers surfaces of the silica fine particles, enhancing an adhesion between the silica fine particles." (underline for emphasis).

Such support for the amendment is found in the specification of the present application which points out that "When the metal compound is hydrolyzed in the presence of the silica fine particles, a condensation reaction between the product of hydrolysis and the silanol present on the fine particle surfaces occurs almost simultaneously with the hydrolysis". (Application, page 9, line 19-page 10, line 1). JP '568 does not disclose such "condensation reaction between a product of the hydrolysis and silanol present on the silica fine particles" nor that "the binder covers surfaces of the silica fine particles, enhancing an adhesion between the silica fine particles" but rather teaches only of the hydrolysis of the organo-metallic compounds, proceeding to polymerization to obtain the binder. (JP '568, [0032] – [0034]). At most, JP'568 describes its coating as having a condensation reaction with the substrate [0027], which is structurally different from the condensation reaction of claims 1 and 26 of a "between a product of the hydrolysis and silanol present on the silica fine particles". JP '568 fails to disclose the required limitation of amended claims 1 and 26, of the coating solution "undergoing a condensation reaction between a product of the hydrolysis and a silanol present on said silica fine particles". Accordingly, JP '568 fails to disclose required limitations of claims 1 and 26 and therefore does not anticipate claims 1 and 26.

For the above reasons, Applicant respectfully submits that claims 1 and 26 are patentable over JP '568.

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Claims 2- 3, 6-7, 11 and 14-25

Dependent claims 2- 3, 6-7, 11 and 14-25 include all limitations of their respective base claim 1. Accordingly, Applicant respectfully submits that these dependent claims are all allowable for at least the same reasons as is claim 1. Furthermore, Applicant respectfully submits that these dependent claims are further allowable for the limitations that they themselves recite.

Applicant respectfully disagrees with the assertions regarding the dependent claims from the Office Action. The assertions have been made moot by the above discussion of the base claim.

For the above reasons, Applicant respectfully requests withdrawal of the rejection of Claims 1-3, 6-7, 11 and 14-25 under Section 102(b).

B. REJECTION UNDER SECTION 103(a), WO '612

Claims 1-10, 12-13, and 23-26 were rejected under Section 103(a) as obvious over WO '612. Applicant respectfully traverses Examiner's rejection as explained below.

WO '612

International Publication no. WO 01/65612 was filed on March 2, 2001 with an earliest priority date of March 2, 2000. Applicant respectfully points out that the present application has earlier priority filing dates of December 13, 1999 and January 26, 2000. With the present application having an earlier priority date to the reference WO '612, it is respectfully held that WO '612 is not a proper reference used for purposes of a Section 103 rejection.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 1-10, 12-13, 23-26 under Section 103(a).

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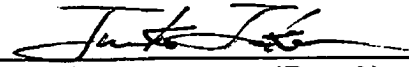
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III. CONCLUSION

The above-discussed amendments and remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

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